

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES SMALL BUSINESS
ADMINISTRATION AS RECEIVER FOR COQUI
CAPITAL PARTNERS, L.P.,

Plaintiff,

v.

COQUI CAPITAL MANAGEMENT, LLC,
et al.,

Defendants.

Civil Action No.: 08-CV-0978 (LTS)

Related Case No.: 06-1564

**NOTICE OF MOTION TO
DISMISS THE AMENDED
COMPLAINT AND COMPEL
ARBITRATION**

PLEASE TAKE NOTICE, that upon the annexed Declaration of Donald S. Zakarin, Esq., dated March 31, 2008, and the exhibits annexed thereto, together with the accompanying Memorandum of Law, the undersigned will move this Court before the Honorable Laura T. Swain, located at 500 Pearl Street, Courtroom 17C, New York, New York 10007, on a date and time to be directed by the Court, for an Order (i) pursuant to Federal Arbitration Act, 9 U.S.C. § 3, dismissing the Amended Complaint in its entirety, or in the alternative, staying the above-captioned action pending arbitration; and (ii) pursuant to Federal Arbitration Act, 9 U.S.C. § 4, compelling plaintiff United States Small Business Administration, as Receiver for Coqui Capital Partners, L.P., to submit to arbitration in New York under the laws of the American Arbitration Association, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
March 31, 2008

PRYOR CASHMAN LLP

By: /s/ Donald S. Zakarin
Donald S. Zakarin
dzakarin@pryorcashman.com
Nia J.C. Castelly
ncastelly@pryorcashman.com

410 Park Avenue
New York, New York 10022
(212) 421-4100
Attorneys for Defendants

To: United States Small Business Administration
as Receiver for Coqui Capital Partners, L.P.

Arlene M. Embrey, Esq.
Office of General Counsel
409 Third Street, S.W., 7th Fl.
Washington, DC 20416

U.S. Department of Justice
William B. Young, Esq.
United States Attorney's Office
271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201

Gottesman, Wolgel, Malamy, Flynn & Weinberg, P.C.
Steven Weinberg, Esq.
11 Hanover Square, 4th Floor
New York, NY 10005

*Counsel for U.S. Small Business Administration,
Receiver for Coqui Capital Partners, L.P.*

EXHIBIT A

Coqui Capital Management, LLC	Joel Siegel
Isaac Kier	Baron Silverstein
Jeffrey Davidson	Neil Silverstein
Jeffrey Koffman	Sunbelt Beverage Company, LLC
Allison Koffman	Tech Aerofoam, Inc.
Martin Bandier	The Stella and Albert Schwartz 1994
Louis Buck	Grandchildren's Trust
Chazen Capital Partners	Kenneth Tuchman
Lawrence Coben	Vestal Venture Capital
Arthur Davidson	Jeffrey Wilkes
Donna Davidson	Kevin Wolf
Rick Davidson	
Michael Delikat	
S. Mark Erenstein	
Roger Gladstone	
Gabriel Golan	
Richard Goldberg	
Lynda Goldschein	
Michael Hard	
IRM Associates	
Ellen Sue Kier	
Efraim Kier	
Sara Kier	
Ralph Kier	
David Koffman	
Burton Koffman	
Ruthanne Koffman	
Ron Kramer	
Michael Kubin	
David Layton	
LK2ST Limited	
Albert Lyons	
Marlin Equities, LLC	
Sylvia Maslow	
Eric Osserman	
Plafsky Family Trust	
Frederick Poses	
Schuyler Associates, LP	
Albert Schwartz	